

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Meeker et al.

Examiner: Edell, Joseph F.

Serial #: 10/709,580

Art Unit: 3636

Filing Date: 14 May 2004

Date: 27 January 2009

Title: Adjustable Back for a Car Seat

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Rule 132 Declaration

Declarant, John Riedl, declares and states as follows:

1. That I am currently Vice President of RC2 Corporation, headquartered in Oakbrook, Illinois, a leading company as a designer, producer and marketer of innovative, high-quality toys, collectibles and infant products, and have been at the company for two (2) years, and that prior to my association with RC2 Corporation, I was a founder with Compass Baby, Inc., for five (5) years involved with all aspects of research, marketing and sales;
2. That RC2's infant, toddler and preschool products are marketed under its Learning Curve® (www.learningcurve.com) family of brands which includes The First Years® and Lamaze® brands, as well as popular and classic licensed properties such as *Thomas & Friends*, *Bob the Builder*, *Winnie the Pooh*, John Deere, Nickelodeon and *Sesame Street*. RC2 markets its youth and adult products under the Johnny Lightning (www.johnnylightning.com) and ERTL® (www.ertl.com) brands. RC2 reaches its target consumers through multiple channels of distribution supporting more than 25,000 retail outlets throughout North America, Europe, Australia and Asia Pacific;
3. That I am responsible for marketing at least the following car seat products as well as other products offered by RC2 Corporation (the car seats depicted below having their coverings upon the frame of the car seat);



B500



B505



B510



B530

4. That all of the above products have an extendable back with no gaps when the back is moved from a collapsed position to an extended position as presently claimed in the patent application identified above and as illustrated in the screen clips from the website;

Compass Folding Booster Car Seats

Our line of Folding Booster Car Seats fits your daily lifestyle, as since the travel needs of older children are different than that of infants: children are busy in activities and moms, dads, and grandparents are all involved in dropping off and picking them up. The patented folding feature of our booster seats allows you to easily move the seat from car to car and store it in the trunk when not needed.

Key Features:

- Six position height adjustment to grow with your child
- No gap height adjustment for better side impact protection
- Energy absorbing EPS foam
- Fits children 30-100 lbs / 38" to 57" tall

The First Years by Learning Curve

We understand that what matters most to parents is keeping their children healthy, happy, and safe. For additional information, visit LearningCurve.com.

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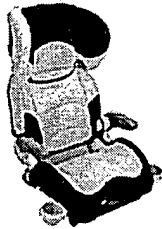
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5. That the National Highway Traffic Safety Administration has awarded the following car seats a five-star "Ease of Use" Rating;

5-Star Rating



**Compass Deluxe Folding
Booster Car Seat -
Aspen**
Awarded a five-star "Ease of
Use" rating by NHTSA
(National Highway Traffic
Safety Administration)



**Compass Deluxe Folding
Booster Car Seat -
Camouflage**
Awarded a five-star "Ease of
Use" rating by NHTSA
(National Highway Traffic
Safety Administration)



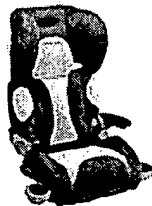
**Ultra Folding Adjustable
Booster - Camouflage**
Awarded a five-star "Ease of
Use" rating by NHTSA...



**Ultra Folding Adjustable
Booster - Daisy**
Awarded a five-star "Ease of
Use" rating by NHTSA...



**Ultra Folding Adjustable
Booster - Giraffe**
Awarded a five-star "Ease of
Use" rating by NHTSA...



**Ultra Folding Adjustable
Booster - Pacific**
Awarded a five-star "Ease of
Use" rating by NHTSA...

6. That competitive products, such as those illustrated by Reithmeier in United States Patent No. 6,273,509 or by commercially available car seats manufactured and sold by Britax or Graco, all fail to provide complete back support as is present in the claims of the pending application.

the first years

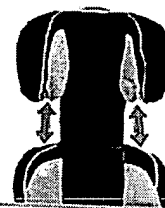
Learning Curve

Compass Folding Booster Car Seats

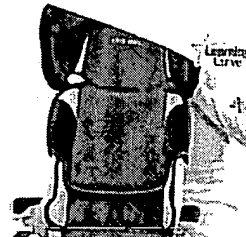
Our line of Folding Booster Car Seats fits your daily lifestyle, as since the travel needs of older children are different than that of infants: children are busy in activities and moms, dads, and grandparents are all involved in dropping off and picking them up. The patented folding feature of our booster seats allows you to easily move the seat from car to car and store it in the trunk when not needed.

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Competitor's Booster Seat



the first years



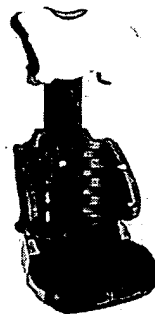
The First Years by Learning Curve

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Britax (collapsed position)



Britax (extended position)

NO SHOULDER SUPPORT

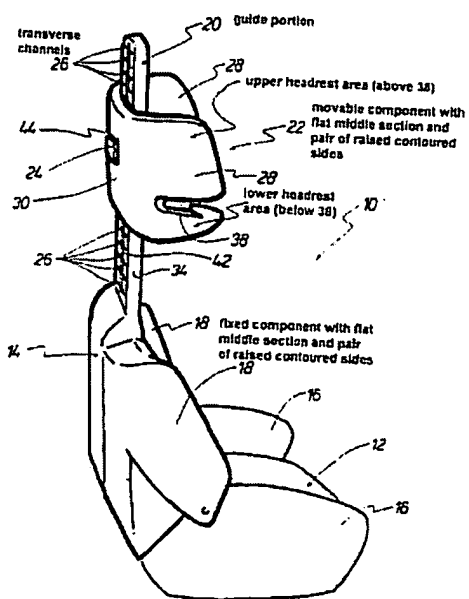


Graco (collapsed position)



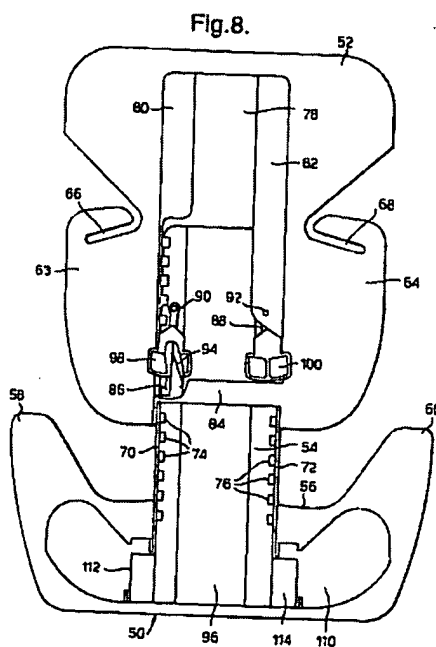
Graco (extended position)

NO SHOULDER SUPPORT



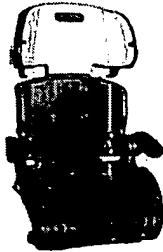
Reithmeier

NO SHOULDER SUPPORT

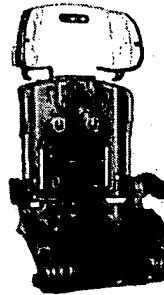


Lovie

NO PELVIC SUPPORT



Applicant (collapsed position)



Applicant (extended position)

COMPLETE SUPPORT in BOTH

PELVIC & SHOULDER REGIONS

7. That I have reviewed the most recently received Patent Office action dated 24 September 2008 and have read and understood the references identified therein;
8. That sliding movement from the collapsed to the extended position, is unique to the applicant and provides complete shoulder and pelvis support, a feature which is not illustrated in any of the prior art references which the examiner has identified and brought to bear on the patentability of the invention;
9. That since introduction of the product into the market several years ago, sales to distributors in the industry, have grown from zero (0) units to 90,000 units, with essentially no increase in the advertising budget at RC2 Corporation for this line of products;
10. That the commercial success of the product indicates that currently available alternatives did not meet the needs of the marketplace, since market acceptance has been predicated mainly upon the technical merits of the product, rather than related to the size of the marketing budget; and
11. That to the best of my knowledge, the *Meeker et al.*, invention is not anticipated nor rendered obvious by any combination of references identified by the examiner.

That declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment or both under §1001 of Title 18 of the United States Code, and that the willful false statements may jeopardize the validity of the application or any patent issuing thereon.

John Riedl

Date

2/2/09